IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12155 of 2004

Between:

1 O.V.Srinivas, s/o O.D.Veeraswamy,
r/o 185, Audiah Nagar, Secunderabad-500 003.
2 K.N.Ramesh, s/o K.Narasimhulu,
r/o H.No.1-13-7/75, Balamrai, Secunderabad.
3 Mrs.D.Shanta Bai, w/o Chandra Murthy,
r/o H.No.21-4-892, Gulabsingh Bowli, Hyderabad-500 264.
4 Mrs.B.Durga Veni, w/o N.Kishtaiah,
r/o H.No.18-8-306/A/3, Lalithabagh, Uppuguda, Hyderabad.
5 Mrs.S.Sunita Rani, w/o B.Manohar,
r/o H.No.8-2-141/1, Panjagutta, Hyderabad.

..... PETITIONER(S)

AND

1 The Controller of Defence Accounts, No.1, Staff Road, Opp.Secunderabad Club, Secunderabad-500 009.
2 The Controller General of Defence Accounts, West Block 5, R.K.Puram, New Delhi-110 001.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ, order or direction more particularly one in the nature of writ of certiorari to call for the records relating to and connected with the judgement of the Hon'ble Central Administrative Tribunal rendered in OA No.260 of 2001 dated 09-04-2001 and quash or set aside the same and consequently to direct the respondents to consider the claim of petitioners for appointment in Group D posts in

the existing vacancies treating them as within the age of eligibility with all consequential benefits

Counsel for the Petitioner:MR.P.NAVEEN RAO

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following :

ORDER:

(per J. CHELAMESWAR)

The writ petition is directed against the order dated 9-4-2001 in O.A.No. 260 of 2001 whereby the application of the petitioners has been dismissed by the Central Administrative Tribunal, Hyderabad.

The petitioners were found to be over aged and therefore disentitled for consideration for regular recruitment to the post of peons, Sweepers, Farash Chowkidars pursuant to notification dated 11-12-1999 by the respondents. Even on application of the amended rules, which enable reckoning of the period spent in casual employment for appointment to Group-D employees by a proportionate increase in the age limit, the petitioners had crossed the limit as on the date of notification. The Tribunal found that even if the petitioners were given the benefit for the period of casual service, the petitioners became over aged, which disentitles them for consideration for regular posts.

As a result of rejection of O.A. filed by the petitioners, the recruitment pursuant to the notification dated 11-12-1999 had been finalized. After more than three years quietus should be given particularly because the recruitment is to the last grade service. Since

there are latches on the part of the petitioners, they are not entitled to any relief apart from the fact that they are disqualified on account of being over aged.

The writ petition is accordingly dismissed. No costs.

20th July, 2004

BJ/

To

1 The Controller of Defence Accounts, No.1, Staff Road, Opp.Secunderabad Club, Secunderabad-500 009.
2 The Controller General of Defence Accounts, West Block 5, R.K.Puram, New Delhi-110 001.

3. 2 C.D. copies.